

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000055301	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2005/000773	International filing date (<i>day/month/year</i>) 27.01.2005	Priority date (<i>day/month/year</i>) 29.01.2004
International Patent Classification (IPC) or national classification and IPC C07C253/10, C07C255/07, C07C253/00		
Applicant BASF AKTIENGESELLSCHAFT		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>1</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																	
<p>4. This report contains indications relating to the following items:</p> <table style="margin-left: 20px; margin-top: 10px;"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I Basis of the report	<input type="checkbox"/>	Box No. II Priority	<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI Certain documents cited	<input type="checkbox"/>	Box No. VII Certain defects in the international application	<input type="checkbox"/>	Box No. VIII Certain observations on the international application
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VERSION

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Faxsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:
pages 1-28 as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____

the claims:
nos. _____ as originally filed/furnished
nos.* _____ as amended (together with any statement) under Article 19
nos.* 1-4 received by this Authority on 18.11.2005 with letter of 17.11.2005
nos.* _____ received by this Authority on _____

the drawings:
sheets _____ as originally filed/furnished
sheets* _____ received by this Authority on _____
sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

 - the description, pages _____
 - the claims, nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

 - the description, pages _____
 - the claims, nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	<u>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</u>	
1. Statement		
Novelty (N)	Claims	<u>1 - 4</u> YES
	Claims	NO
Inventive step (IS)	Claims	<u>1 - 4</u> YES
	Claims	NO
Industrial applicability (IA)	Claims	<u>1 - 4</u> YES
	Claims	NO
2. Citations and explanations (Rule 70.7)		
D1: WO 99/07671 A (BASF AKTIENGESELLSCHAFT; FISCHER, JAKOB; SIEGEL, WOLFGANG) 18 February 1999 (1999-02-18)		
D2: GB 628 686 A (UNIVERSAL OIL PRODUCTS COMPANY) 2 September 1949 (1949-09-02)		
<p>The present application relates to a method for the hydrocyanation of 1,3-butadiene on at least one nickel(0) complex using phosphorus-containing ligands as a catalyst, characterized in that the 60-90 percent by volume 1,3-butadiene is used in a mixture with 40 - 10 percent by volume n-butane and the mixture is produced in five method steps, A) - E).</p> <p>D1 (cf. the passages cited in the ISR) is the closest prior art and discloses a method for the hydrocyanation of a C4 fraction containing 40.50 percent by volume 1,3-butadiene and 2.90 percent by volume n-butane on a catalyst containing Ni(0) with a 1,1'-bis(diphenyl-phosphino) ferrocene ligand. D1 differs from the subject matter of claim 1 in that the production of the 1,3-butadiene/n-butane mixture</p>		

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

is not disclosed, and that the mixture contains 60-90 percent by volume 1,3-butadiene and 40-10 percent by volume n-butane.

D2 (cf. claims 1-7, page 3, table) discloses the catalytic dehydration of n-butane in order to produce 1,3-butadiene/n-butane mixtures.

The problem to be solved is regarded as that of providing a further method for the hydrocyanation of 1,3-butadiene. The solution is presented in claim 1 and relates to the specific production of the original 1,3-butadiene/n-butane mixture. The combination of D1 and D2 does not suggest to a person skilled in the art to introduce the product stream of the first dehydration directly into the second dehydration stage without separating out components.